

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: YLL IRREVOCABLE TRUST and KOCHAV :
: S.A.R.L., :
: Plaintiff, :
: :
: -against- :
: :
: RABBI SHLOMO ZALMAN KAUFMAN, :
: RABBI ALEXANDER GRAUSZ, RABBI :
: MOISHE BERGMAN, KOLEL BETH :
: YECHIEL MECHIL OF TARTIKOV, INC. :
: and WILMINGTON SAVINGS FUND :
: SOCIETY, FSB, :
: Defendants. :
: ----- x

Docket No. 12-CIV-3005
(VM)

**DECLARATION OF
MARK W. GEISLER IN
SUPPORT OF MOTION TO REMAND**

MARK W. GEISLER hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am associated with the law firm of Hoffinger Stern & Ross, LLP, attorneys for plaintiffs YLL Irrevocable Trust (“YLL”) and Kochav S.A.R.L. (“Kochav”) (collectively, “Plaintiffs”). I submit this Declaration in support of the Plaintiffs’ motion pursuant to 28 U.S.C. § 1447 to remand the action to the Supreme Court of the State of New York, Rockland County.

2. Annexed hereto as Exhibit A is a true copy of the Notice of Removal (without exhibits or attachments) filed by defendant Kolel Beth Yechiel Mechil of Tartikov, Inc. (“Kolel”) (ECF No. 1).

3. Annexed hereto as Exhibit B is a true copy of the complaint filed in this action, originally filed in the New York State Supreme Court, Rockland County. As filed, and as attached, the Complaint itself contains four exhibits: A – the Purchase and Sale Agreement dated as of March 15, 2011 by and between Kolel and YLL; B – the unsigned Order to Show Cause submitted by

Kolel to this Court in the now closed case of Kolel Beth Yechiel Mechil of Tartikov, Inc. v. YLL Irrevocable Trust, et al., 11-CIV-7707; C - the Order of this Court in the foregoing closed matter, filed November 16, 2011, denying Kolel's motion for injunctive relief; and D – the purported First Preliminary Decision, Ruling and Award of the Rabbinical Court, dated April 10, 2012.

4. Annexed hereto as Exhibit C is a true copy of the Rockland County Supreme Court docket sheet for the action commenced in the New York State Supreme Court, as accessed and printed on April 20, 2012.

5. Annexed hereto as Exhibit D is a true copy of the Affirmation of Stephen R. Stern, dated April 12, 2012, submitted to the New York State Supreme Court, Rockland County, in support of an application for an Order to Show Cause and a Temporary Restraining Order (as filed with the New York State Supreme Court, the Stephen R. Stern Affirmation annexed a copy of the complaint with exhibits A – D to the complaint; inasmuch as the complaint and its exhibits are already annexed hereto as Exhibit B, they are omitted from Exhibit D).

6. Annexed hereto as Exhibit E is a true copy of the Affirmation of David Paneth, dated April 12, 2012 submitted to the New York State Supreme Court, Rockland County, in support of an application for an Order to Show Cause and a Temporary Restraining Order.

7. Annexed hereto as Exhibit F is a true copy of the Affirmation of Uziel Frankel, dated April 12, 2012, together with Exhibits A and B thereto, submitted to the New York State Supreme Court, Rockland County, in support of an application for an Order to Show Cause and a Temporary Restraining Order.

8. Annexed hereto as Exhibit G is a true copy of the Affidavit of Douglas W. Stein, sworn to April 12, 2012, submitted to the New York State Supreme Court, Rockland County, in support of an application for an Order to Show Cause and a Temporary Restraining Order.

9. Annexed hereto as Exhibit H is a true copy of the Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Injunctive Relief, submitted to the New York State Supreme Court, Rockland County, in support of an application for an Order to Show Cause and a Temporary Restraining Order.

10. Annexed hereto as Exhibit I is a true copy of the Order to Show Cause with Temporary Restraining Order, dated April 12, 2012, 6:30 pm, issued by Hon. Thomas E. Walsh, II in the State Court action filed under Index No. 031899/2012.

11. Annexed hereto as Exhibit J is a true copy of the Affirmation of Mark W. Geisler, dated April 16, 2012, together with exhibits A – F thereto, submitted to the New York State Supreme Court, Rockland County, in support of a second application for an Order to Show Cause and a Temporary Restraining Order.

12. Annexed hereto as Exhibit K is a true copy of the Supplemental Affirmation of Mark W. Geisler, dated April 17, 2012, together with the Affirmation of David Paneth dated April 17, 2012 as an exhibit thereto, submitted to the New York State Supreme Court, Rockland County, in support of a second application for an Order to Show Cause and a Temporary Restraining Order.

13. Annexed hereto as Exhibit L is a true copy of the Order to Show Cause with Temporary Restraining Order, dated April 17, 2012, issued by Hon. Thomas E. Walsh, II in the State Court action filed under Index No. 031899/2012.

14. Annexed as Exhibit M is a copy of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, as obtained from the website of the United Nations Commission on International Trade Law.

15. Annexed as Exhibit N is a copy of a printout obtained from the United Nations Commission on International Trade Law website, which appears to list the signatory parties to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

16. Annexed as Exhibit O is a true copy of the Affidavits of Service filed in the New York State Supreme Court action with respect to the first Order to Show Cause with Temporary Restraining Order of April 12, 2012.

17. Annexed as Exhibit P is a true copy of the Affidavits of Service filed in the New York State Supreme Court action with respect to the second Order to Show Cause with Temporary Restraining Order of April 17, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: New York, New York
April 20, 2012



MARK W. GEISLER